



# **Operating Budget For Fiscal Year 2010**

Submitted to the  
Governor's Office of Budget, Planning and Policy  
And the Legislative Budget Board

By

***Office of Injured Employee Counsel***

November 19, 2009



## CERTIFICATE

**Agency**    **Office of Injured Employee Counsel**

This is to certify that the information contained in the agency operating budget filed with the Legislative Budget Board (LBB) and the Governor's Office of Budget, Planning and Policy (GOBPP) is accurate to the best of my knowledge and that the electronic submission to the LBB via the Automated Budget and Evaluation System of Texas (ABEST) and the bound paper copies are identical.

Additionally, should it become likely at any time that unexpended balances will accrue for any account, the LBB and the GOBPP will be notified in writing in accordance with Article IX, Section 7.01 (2010-11 GAA).

**Public Counsel**

A handwritten signature in blue ink, appearing to read "Norman Darwin", written over a horizontal line.

Signature

Norman Darwin

Printed Name

Public Counsel

Title

November 19, 2009

Date

**Deputy Public Counsel**

A handwritten signature in blue ink, appearing to read "Brian White", written over a horizontal line.

Signature

Brian White

Printed Name

Deputy Public Counsel

Title

November 19, 2009

Date

**OFFICE OF INJURED EMPLOYEE COUNSEL**  
**81<sup>st</sup> Regular Session, Fiscal Year 2010 Operating Budget**

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**II.A. SUMMARY OF BUDGET BY STRATEGY**  
81st Regular Session, Fiscal Year 2010 Operating Budget  
Automated Budget and Evaluation System of Texas (ABEST)

DATE : 11/18/2009

TIME : 2:57:32PM

Agency code: 448      Agency name: Office of Injured Employee Counsel

Goal/Objective/STRATEGY	EXP 2008	EXP 2009	BUD 2010
<b>1</b> Assist Individual Injured Employees through the Ombudsman Program			
<b>1</b> Assist Unrepresented Injured Employees in Dispute Resolution			
<b>1</b> OMBUDSMAN PROGRAM	\$4,223,418	\$4,289,659	\$4,116,931
<b>TOTAL, GOAL 1</b>	<b>\$4,223,418</b>	<b>\$4,289,659</b>	<b>\$4,116,931</b>
<b>2</b> Increase Injured Employee Education and Provide Referrals			
<b>1</b> Inform Injured Employees/System Participants and Provide Referrals			
<b>1</b> RIGHTS RESPONSIBILITIES & REFERRAL	\$2,183,745	\$2,733,285	\$2,946,856
<b>TOTAL, GOAL 2</b>	<b>\$2,183,745</b>	<b>\$2,733,285</b>	<b>\$2,946,856</b>
<b>3</b> Advocate for Injured Employees in Rulemaking and Other Public Forums			
<b>1</b> Ensure Adequate Rules to Protect Injured Employees and Act as Resource			
<b>1</b> PARTICIPATE IN RULEMAKING	\$662,929	\$605,464	\$705,755
<b>TOTAL, GOAL 3</b>	<b>\$662,929</b>	<b>\$605,464</b>	<b>\$705,755</b>

**II.A. SUMMARY OF BUDGET BY STRATEGY**  
81st Regular Session, Fiscal Year 2010 Operating Budget  
Automated Budget and Evaluation System of Texas (ABEST)

DATE : 11/18/2009  
TIME : 2:57:32PM

Agency code: 448      Agency name: Office of Injured Employee Counsel

Goal/Objective/STRATEGY	EXP 2008	EXP 2009	BUD 2010
<b>General Revenue Dedicated Funds:</b>			
36 Dept Ins Operating Acct	\$7,070,092	\$7,628,408	\$7,769,542
	<b>\$7,070,092</b>	<b>\$7,628,408</b>	<b>\$7,769,542</b>
<b>TOTAL, METHOD OF FINANCING</b>	<b>\$7,070,092</b>	<b>\$7,628,408</b>	<b>\$7,769,542</b>
<b>FULL TIME EQUIVALENT POSITIONS</b>	<b>143.9</b>	<b>157.1</b>	<b>172.5</b>

**II.B. SUMMARY OF BUDGET BY METHOD OF FINANCE**  
81st Regular Session, Fiscal Year 2010 Operating Budget  
Automated Budget and Evaluation System of Texas (ABEST)

DATE: **11/18/2009**  
TIME: **3:03:42PM**

Agency code: **448**

Agency name: **Office of Injured Employee Counsel**

METHOD OF FINANCING		Exp 2008	Exp 2009	Bud 2010
<b><u>GENERAL REVENUE FUND - DEDICATED</u></b>				
<b>36</b>	GR Dedicated - Texas Department of Insurance Operating Fund Account No. 036			
	<i>REGULAR APPROPRIATIONS</i>			
	Regular Appropriations	\$7,161,013	\$7,174,693	\$7,769,542
	<i>TRANSFERS</i>			
	Art IX, Sec 19.62 (a), Salary Increase (2008-09 GAA)-2008	\$107,884	\$107,884	\$0
	Art IX, Sec 19.62 (a), Salary Increase (2008-09 GAA)-2009	\$0	\$122,697	\$0
	81st Leg Session HB 4586 Sec 89 Retention Payment-OIEC	\$0	\$121,040	\$0
	<i>LAPSED APPROPRIATIONS</i>			
	Lapsed Appropriations	\$(3,293)	\$(93,418)	\$0
	<i>UNEXPENDED BALANCES AUTHORITY</i>			
	Art VIII-24, Rider 2 (08-09 GAA)	\$(195,512)	\$195,512	\$0
<b>TOTAL,</b>	<b>GR Dedicated - Texas Department of Insurance Operating Fund Account No. 036</b>	<b>\$7,070,092</b>	<b>\$7,628,408</b>	<b>\$7,769,542</b>
<b>TOTAL, ALL</b>	<b>GENERAL REVENUE FUND - DEDICATED</b>	<b>\$7,070,092</b>	<b>\$7,628,408</b>	<b>\$7,769,542</b>

**OTHER FUNDS**

<b>666</b>	Appropriated Receipts			
	<i>TRANSFERS</i>			
	Art IX, Sec 8.03, Reimbursements and Payments 08-09 GAA	\$0	\$100	\$0
	<i>LAPSED APPROPRIATIONS</i>			
	Lapsed Appropriations	\$0	\$(100)	\$0

II.B. SUMMARY OF BUDGET BY METHOD OF FINANCE  
81st Regular Session, Fiscal Year 2010 Operating Budget  
Automated Budget and Evaluation System of Texas (ABEST)

DATE: 11/18/2009  
TIME: 3:03:42PM

Agency code: 448

Agency name: Office of Injured Employee Counsel

METHOD OF FINANCING		Exp 2008	Exp 2009	Bud 2010
TOTAL,	Appropriated Receipts	\$0	\$0	\$0
TOTAL, ALL	OTHER FUNDS	\$0	\$0	\$0
GRAND TOTAL		\$7,070,092	\$7,628,408	\$7,769,542
FULL-TIME-EQUIVALENT POSITIONS				
REGULAR APPROPRIATIONS				
	Regular Appropriations	183.0	183.0	184.0
UNAUTHORIZED NUMBER OVER (BELOW) CAP				
	Unauthorized Number Over (Below) Cap	(39.1)	(25.9)	(11.5)
TOTAL, ADJUSTED FTES		143.9	157.1	172.5
NUMBER OF 100% FEDERALLY FUNDED FTEs		0.0	0.0	0.0

**II.C. SUMMARY OF BUDGET BY OBJECT OF EXPENSE**  
81st Regular Session, Fiscal Year 2010 Operating Budget  
Automated Budget and Evaluation System of Texas (ABEST)

DATE: **11/18/2009**

TIME: **3:13:53PM**

Agency code: **448**

Agency name: **Office of Injured Employee Counsel**

OBJECT OF EXPENSE		EXP 2008	EXP 2009	BUD 2010
1001	SALARIES AND WAGES	\$5,623,039	\$6,369,062	\$6,828,316
1002	OTHER PERSONNEL COSTS	\$354,126	\$657,574	\$245,420
2001	PROFESSIONAL FEES AND SERVICES	\$97,097	\$13,718	\$62,705
2003	CONSUMABLE SUPPLIES	\$4,645	\$1,199	\$0
2004	UTILITIES	\$4,616	\$25,654	\$17,130
2005	TRAVEL	\$322,275	\$191,141	\$239,900
2006	RENT - BUILDING	\$5,949	\$1,001	\$0
2007	RENT - MACHINE AND OTHER	\$5,001	\$1,840	\$0
2009	OTHER OPERATING EXPENSE	\$653,344	\$367,219	\$376,071
Agency Total		\$7,070,092	\$7,628,408	\$7,769,542



**II.D. SUMMARY OF OBJECTIVE OUTCOMES**  
81st Regular Session, Fiscal Year 2010 Operating Budget  
Automated Budget and Evaluation system of Texas (ABEST)

Date : 11/18/2009

Time: 3:00:18PM

Agency code: 448

Agency name: Office of Injured Employee Counsel

Goal/ Objective / OUTCOME		Exp 2008	Exp 2009	Bud2010
1	Assist Individual Injured Employees through the Ombudsman Program			
	<i>1 Assist Unrepresented Injured Employees in Dispute Resolution</i>			
	<b>1 % Disputes Resolved Prior to TDI Dispute Resolution Process</b>	9.00 %	22.27 %	25.00 %
<b>KEY</b>	<b>2 % Dispute Resolution Proceedings at DWC with Ombudsman Assistance</b>	40.09 %	38.46 %	41.00 %
<b>KEY</b>	<b>3 % CCH Issues in which Injured Employees Prevailed w/ Ombudsman Assist</b>	41.77 %	39.33 %	43.00 %
<b>KEY</b>	<b>4 Percentage of Appeal Issues Prevailed with Ombudsman Assistance</b>	31.59 %	35.01 %	32.00 %
2	Increase Injured Employee Education and Provide Referrals			
	<i>1 Inform Injured Employees/System Participants and Provide Referrals</i>			
<b>KEY</b>	<b>1 % Injured Employees Reached by OIEC Efforts</b>	95.91 %	95.58 %	96.00 %
3	Advocate for Injured Employees in Rulemaking and Other Public Forums			
	<i>1 Ensure Adequate Rules to Protect Injured Employees and Act as Resource</i>			
	<b>1 Percentage of Adopted Workers' Compensation Rules Analyzed</b>	100.00 %	100.00 %	100.00 %
	<b>2 Percent Adopted WC Rules in which OIEC Participated</b>	76.92 %	100.00 %	89.00 %
<b>KEY</b>	<b>3 Percentage of Rules Changed for the Benefit of Injured Employees</b>	100.00 %	25.00 %	78.00 %

**III.A. STRATEGY LEVEL DETAIL**  
81st Regular Session, Fiscal Year 2010 Operating Budget  
Automated Budget and Evaluation System of Texas (ABEST)

DATE: 11/18/2009  
TIME: 3:01:04PM

Agency code: **448**      Agency name: **Office of Injured Employee Counsel**

GOAL:            1    Assist Individual Injured Employees through the Ombudsman Program  
OBJECTIVE:    1    Assist Unrepresented Injured Employees in Dispute Resolution  
STRATEGY:    1    Assist Unrepresented Injured Employees in Dispute Resolution

Statewide Goal/Benchmark:            7    6

Service Categories:

Service:    17      Income:    A.2      Age:    B.3

CODE	DESCRIPTION	EXP 2008	EXP 2009	BUD 2010
<b>Output Measures:</b>				
	1 Number of Injured Employees Prepared for BRC by an Ombudsman	5,241.00	4,202.00	4,200.00
KEY	2 Number of Benefit Review Conferences with Ombudsman Assistance	5,013.00	4,484.00	4,480.00
	3 Number of Injured Employees Prepared for CCH by an Ombudsman	1,717.00	1,688.00	1,720.00
KEY	4 Number of Contested Case hearings with Ombudsman Assistance	2,025.00	2,056.00	2,100.00
KEY	5 Number of Injured Employees Prepared for an Appeal by an Ombudsman	552.00	564.00	550.00
	6 Number of Assists a Regional Staff Attorney Provides to an Ombudsman	820.00	2,400.00	2,400.00
<b>Efficiency Measures:</b>				
	1 Avg Days from the Date a BRC is Scheduled to Injured Employee Contact	17.97	18.23	17.00
	2 Avg Days from the Date a CCH is Scheduled to Injured Employee Contact	14.91	15.54	17.00
<b>Explanatory/Input Measures:</b>				
	1 Avg Indemnity Cost Avoided/Injured Employee Assisted by Ombudsman	2,215.00	2,273.00	2,300.00
<b>Objects of Expense:</b>				
	1001 SALARIES AND WAGES	\$3,396,874	\$3,523,150	\$3,564,381
	1002 OTHER PERSONNEL COSTS	\$264,293	\$456,223	\$187,461
	2001 PROFESSIONAL FEES AND SERVICES	\$49,791	\$7,034	\$32,901
	2003 CONSUMABLE SUPPLIES	\$2,382	\$615	\$0
	2004 UTILITIES	\$2,367	\$13,155	\$8,988
	2005 TRAVEL	\$166,815	\$99,303	\$125,876
	2006 RENT - BUILDING	\$3,051	\$513	\$0
	2007 RENT - MACHINE AND OTHER	\$2,564	\$944	\$0
	2009 OTHER OPERATING EXPENSE	\$335,281	\$188,722	\$197,324
<b>TOTAL, OBJECT OF EXPENSE</b>		<b>\$4,223,418</b>	<b>\$4,289,659</b>	<b>\$4,116,931</b>

**Method of Financing:**

**III.A. STRATEGY LEVEL DETAIL**  
81st Regular Session, Fiscal Year 2010 Operating Budget  
Automated Budget and Evaluation System of Texas (ABEST)

DATE: 11/18/2009  
TIME: 3:01:04PM

Agency code: **448**      Agency name: **Office of Injured Employee Counsel**

GOAL:            1    Assist Individual Injured Employees through the Ombudsman Program

Statewide Goal/Benchmark:            7    6

OBJECTIVE:    1    Assist Unrepresented Injured Employees in Dispute Resolution

Service Categories:

STRATEGY:    1    Assist Unrepresented Injured Employees in Dispute Resolution

Service:    17      Income:    A.2      Age:    B.3

CODE	DESCRIPTION	EXP 2008	EXP 2009	BUD 2010
	36 Dept Ins Operating Acct	\$4,223,418	\$4,289,659	\$4,116,931
	<b>SUBTOTAL, MOF (GENERAL REVENUE FUNDS - DEDICATED)</b>	<b>\$4,223,418</b>	<b>\$4,289,659</b>	<b>\$4,116,931</b>
	<b>TOTAL, METHOD OF FINANCE :</b>	<b>\$4,223,418</b>	<b>\$4,289,659</b>	<b>\$4,116,931</b>
	<b>FULL TIME EQUIVALENT POSITIONS:</b>	<b>86.7</b>	<b>83.4</b>	<b>85.7</b>

**III.A. STRATEGY LEVEL DETAIL**  
81st Regular Session, Fiscal Year 2010 Operating Budget  
Automated Budget and Evaluation System of Texas (ABEST)

DATE: 11/18/2009  
TIME: 3:01:04PM

Agency code: **448**      Agency name: **Office of Injured Employee Counsel**

GOAL:            2    Increase Injured Employee Education and Provide Referrals

OBJECTIVE:    1    Inform Injured Employees/System Participants and Provide Referrals

STRATEGY:    1    Assist Injured Employees & Provide Referrals to Programs & Services

Statewide Goal/Benchmark:            7    6

Service Categories:

Service:    17      Income:    A.2      Age:    B.3

CODE	DESCRIPTION	EXP 2008	EXP 2009	BUD 2010
<b>Output Measures:</b>				
KEY 1	# of Injured Employees Reached About Rights and Responsibilities	211,173.00	197,945.00	212,000.00
2	Number of Injured Employees Assisted by OIEC by Telephone	188,403.00	272,102.00	280,000.00
3	Number of Injured Employees Assisted at Local Field Offices	8,725.00	15,778.00	16,000.00
4	Number of Public Outreach Presentations Performed	36.00	91.00	100.00
5	Number of Referrals to DARS, TWC and TDI	1,863.00	6,316.00	6,500.00
<b>Efficiency Measures:</b>				
KEY 1	Avg Days from Date of Injury to Date an Injured Employee is Contacted	24.81	19.96	20.00
<b>Objects of Expense:</b>				
1001	SALARIES AND WAGES	\$1,772,536	\$2,390,256	\$2,642,558
1002	OTHER PERSONNEL COSTS	\$72,906	\$156,860	\$37,734
2001	PROFESSIONAL FEES AND SERVICES	\$30,120	\$4,256	\$24,022
2003	CONSUMABLE SUPPLIES	\$1,441	\$372	\$0
2004	UTILITIES	\$1,432	\$7,958	\$6,563
2005	TRAVEL	\$98,947	\$58,342	\$91,906
2006	RENT - BUILDING	\$1,845	\$311	\$0
2007	RENT - MACHINE AND OTHER	\$1,552	\$570	\$0
2009	OTHER OPERATING EXPENSE	\$202,966	\$114,360	\$144,073
<b>TOTAL, OBJECT OF EXPENSE</b>		<b>\$2,183,745</b>	<b>\$2,733,285</b>	<b>\$2,946,856</b>
<b>Method of Financing:</b>				
36	Dept Ins Operating Acct	\$2,183,745	\$2,733,285	\$2,946,856
<b>SUBTOTAL, MOF (GENERAL REVENUE FUNDS - DEDICATED)</b>		<b>\$2,183,745</b>	<b>\$2,733,285</b>	<b>\$2,946,856</b>

**III.A. STRATEGY LEVEL DETAIL**  
81st Regular Session, Fiscal Year 2010 Operating Budget  
Automated Budget and Evaluation System of Texas (ABEST)

DATE: 11/18/2009  
TIME: 3:01:04PM

Agency code: **448**      Agency name: **Office of Injured Employee Counsel**

GOAL:            2    Increase Injured Employee Education and Provide Referrals

OBJECTIVE:    1    Inform Injured Employees/System Participants and Provide Referrals

STRATEGY:    1    Assist Injured Employees & Provide Referrals to Programs & Services

Statewide Goal/Benchmark:            7    6

Service Categories:

Service:    17      Income:    A.2      Age:    B.3

CODE	DESCRIPTION	EXP 2008	EXP 2009	BUD 2010
<b>TOTAL, METHOD OF FINANCE :</b>		<b>\$2,183,745</b>	<b>\$2,733,285</b>	<b>\$2,946,856</b>
<b>FULL TIME EQUIVALENT POSITIONS:</b>		<b>49.2</b>	<b>66.2</b>	<b>77.3</b>

**III.A. STRATEGY LEVEL DETAIL**  
81st Regular Session, Fiscal Year 2010 Operating Budget  
Automated Budget and Evaluation System of Texas (ABEST)

DATE: 11/18/2009  
TIME: 3:01:04PM

Agency code: **448** Agency name: **Office of Injured Employee Counsel**

GOAL: 3 Advocate for Injured Employees in Rulemaking and Other Public Forums  
OBJECTIVE: 1 Ensure Adequate Rules to Protect Injured Employees and Act as Resource  
STRATEGY: 1 Participate in Rulemaking

Statewide Goal/Benchmark: 7 6

Service Categories:

Service: 17 Income: A.2 Age: B.3

CODE	DESCRIPTION	EXP 2008	EXP 2009	BUD 2010
<b>Output Measures:</b>				
KEY 1	Number of Adopted Workers' Compensation Rules Analyzed by OIEC	13.00	4.00	9.00
KEY 2	# of Adopted Workers' Compensation Rules in Which OIEC Participated	10.00	4.00	8.00
3	Number of Rules Changed as a Result of OIEC Participation	10.00	1.00	7.00
<b>Explanatory/Input Measures:</b>				
1	Number of Workers' Compensation Rules Adopted	13.00	4.00	9.00
<b>Objects of Expense:</b>				
1001	SALARIES AND WAGES	\$453,629	\$455,656	\$621,377
1002	OTHER PERSONNEL COSTS	\$16,927	\$44,491	\$20,225
2001	PROFESSIONAL FEES AND SERVICES	\$17,186	\$2,428	\$5,782
2003	CONSUMABLE SUPPLIES	\$822	\$212	\$0
2004	UTILITIES	\$817	\$4,541	\$1,579
2005	TRAVEL	\$56,513	\$33,496	\$22,118
2006	RENT - BUILDING	\$1,053	\$177	\$0
2007	RENT - MACHINE AND OTHER	\$885	\$326	\$0
2009	OTHER OPERATING EXPENSE	\$115,097	\$64,137	\$34,674
<b>TOTAL, OBJECT OF EXPENSE</b>		<b>\$662,929</b>	<b>\$605,464</b>	<b>\$705,755</b>
<b>Method of Financing:</b>				
36	Dept Ins Operating Acct	\$662,929	\$605,464	\$705,755
<b>SUBTOTAL, MOF (GENERAL REVENUE FUNDS - DEDICATED)</b>		<b>\$662,929</b>	<b>\$605,464</b>	<b>\$705,755</b>
<b>TOTAL, METHOD OF FINANCE :</b>		<b>\$662,929</b>	<b>\$605,464</b>	<b>\$705,755</b>
<b>FULL TIME EQUIVALENT POSITIONS:</b>		<b>8.0</b>	<b>7.5</b>	<b>9.5</b>

**III.A. STRATEGY LEVEL DETAIL**  
81st Regular Session, Fiscal Year 2010 Operating Budget  
Automated Budget and Evaluation System of Texas (ABEST)

DATE: 11/18/2009  
TIME: 3:01:04PM

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**SUMMARY TOTALS:**

<b>OBJECTS OF EXPENSE:</b>	<b>\$7,070,092</b>	<b>\$7,628,408</b>	<b>\$7,769,542</b>
<b>METHODS OF FINANCE :</b>	<b>\$7,070,092</b>	<b>\$7,628,408</b>	<b>\$7,769,542</b>
<b>FULL TIME EQUIVALENT POSITIONS:</b>	<b>143.9</b>	<b>157.1</b>	<b>172.5</b>

**IV.D. ESTIMATED REVENUE COLLECTIONS SUPPORTING SCHEDULE****DATE: 11/18/2009**

81st Regular Session, Fiscal Year 2010 Operating Budget

**TIME: 4:21:07PM**

Automated Budget and Evaluation System of Texas (ABEST)

Agency Code: **448**Agency name: **Office of Injured Employee Counsel****FUND/ACCOUNT****Exp 2008****Exp 2009****Bud 2010****36****Dept Ins Operating Acct**

Beginning Balance (Unencumbered):

\$0

\$0

\$0

Estimated Revenue:

3777 Default Fund - Warrant Voided

0

1,000

0

Subtotal: Estimated Revenue

0

1,000

0

**Total Available****\$0****\$1,000****\$0****DEDUCTIONS:**

0

0

0

**Total, Deductions****\$0****\$0****\$0****Ending Fund/Account Balance****\$0****\$1,000****\$0****REVENUE ASSUMPTIONS:**

OIEC received some unexpected revenues during FY 2009. OIEC does not routinely collect revenues as part of its function and therefore deductions are not shown on this schedule.

Agency 454 sets maintenance tax rates for the funding of appropriations for this agency.

**CONTACT PERSON:**

Brian White



**IV.D. ESTIMATED REVENUE COLLECTIONS SUPPORTING SCHEDULE****DATE: 11/18/2009**

81st Regular Session, Fiscal Year 2010 Operating Budget

**TIME: 4:21:16PM**

Automated Budget and Evaluation System of Texas (ABEST)

Agency Code: **448**Agency name: **Office of Injured Employee Counsel****FUND/ACCOUNT****Exp 2008****Exp 2009****Bud 2010****666 Appropriated Receipts**

Beginning Balance (Unencumbered):

\$0

\$0

\$0

Estimated Revenue:

3802 Reimbursements-Third Party

0

100

0

Subtotal: Estimated Revenue

0

100

0

**Total Available****\$0****\$100****\$0****DEDUCTIONS:**

0

0

0

**Total, Deductions****\$0****\$0****\$0****Ending Fund/Account Balance****\$0****\$100****\$0****REVENUE ASSUMPTIONS:**

OIEC received some unexpected revenues during FY 2009. OIEC does not routinely collect revenues as part of its function and therefore deductions are not shown on this schedule.

Agency 454 sets maintenance tax rates for the funding of appropriations for this agency.

**CONTACT PERSON:**

Brian White